

REMARKS

Claims 15-20 are pending in the application. Claims 1-14 have been previously cancelled.

It is noted that claim 17 does not appear as rejected in the "Detailed Action."

Claim 18 is amended to clarify the subject matter.

Claims 21-24 are newly added. These new claims are based on the original written disclosure, for example page 4, line 19 through page 5, line 5. No new matter is entered.

Claim Rejections

The Office action rejects claim 20 under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement.

It is alleged in the Office Action that the specification fails to describe the feature of: "the post processor is enabled in dependence upon a control parameter in an MPEG header."

Applicants respectfully disagree and traverse this rejection. Support for the claimed feature is found, for example, at page 10, lines 9-20 of the original disclosure, which recites: "additional error correcting schemes may also be employed to further improve the reliability of the SData bit-stream 402. For example, the SData 402 bit-stream can be pre-processed before it is processed by the encoder 400."

This section of the specification also includes: "At the receiver, the decoded SData bit-stream 602 is likewise decoded by a corresponding further Reed-Solomon decoding and de-randomizer. Also in a preferred embodiment of this invention, the header information that is typically associated with transmitted data, such as MPEG header information, can be used to distinguish each packet as either an HData 401 or SData 402 packet." (Emphasis added).

From the foregoing it is clear that the specification teaches that the MPEG header information can be used to distinguish between SD and HD, thus enabling the further decoding of the SData bit-stream 602 by a corresponding further Reed-Solomon decoding and de-randomizer.

Thus, the features of claim 20 are supported by the specification and the rejection should be withdrawn.

The Office action rejects claim 18 under 35 U.S.C. 112, second paragraph, as being indefinite.

Claim 18 has been clarified based on page 1, lines 11-16 of the original specification. One skilled in the art would recognize which standard is being referred to based upon the name and definition provided in the specification. The word substantial has been removed from the claim.

For at least the foregoing reasons, applicants respectfully traverse this rejection and request the rejection be withdrawn.

The Office action rejects claim 15 under 35 U.S.C. 102(e) as being anticipated by Jafarkhani et al. (USP 6,542,554) (hereinafter “Jafarkhani”).

To anticipate a claim the reference must either expressly or inherently described *each and every element* as set forth in the claim.

Claim 15 recites a receiver that includes “the second data map is configured to provide a higher gain to bits of the second data stream than the first data map provides to bits of the first data stream.”

In the Office Action it is alleged that for different encoding rates, different symbol maps and metric tables are required (emphasis added).

However, nowhere is this disclosed or suggested in Jafarkhani. The cited reference only suggests that a receiver may be adapted to decode any of the three rates described in Jafarkhani. There is no suggestion of the “requirement” alleged in the Office Action. Furthermore, applicant disagrees that there is such a “requirement,” as different rates can be achieved, for example, by puncturing symbols.

It is respectfully requested that, to maintain a rejection of the claims, a reference be provided which teaches the above mentioned features of claim 15. In addition a reference be provided that teaches that different symbol maps and metric tables are required to achieve different encoding rates. If the claimed features and the alleged “requirement” are based on personal knowledge of the Examiner, then an affidavit is requested stating same.

It is respectfully submitted that Jafarkhani fails to teach or suggest each feature recited in claim 15. Therefore, a *prima facie* case of anticipation has not be presented and the rejection should be withdrawn, per MPEP 2132.

The Office action also rejects:

Claims 16, 18, and 19 under 35 U.S.C. 103(a) over Jafarkhani and Limberg (USP 5,805,241); and

Claim 29 under 35 U.S.C. 103(a) over Jafarkhani, Limberg and further in view of Klayman et al. (US 5,699,365). Applicants respectfully traverse these rejections.

MPEP 2142 states:

"To establish a *prima facie* case of obviousness ... the prior art reference (or references when combined) ***must teach or suggest all the claim limitations***... If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness."

In each of these rejections, the Office Action addresses only the additional limitations introduced in the dependent claims, and apparently relies upon Jafarkhani for teaching the elements of the base claim 15 upon which each of these rejected claims depend.

As noted above, Jafarkhani fails to teach each and every feature recited in claim 15 and since the additional cited references fail to cure this deficiency of Jafarkhani, the applicants respectfully submit that the rejections under 35 U.S.C. 103(a) that rely upon Jafarkhani for this teaching are unfounded, per MPEP 2142.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are solicited. Should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner telephone the undersigned attorney in order to expeditiously resolve any outstanding issues. In the event that the fees submitted prove to be insufficient in connection with the filing of this paper, please charge our Deposit Account Number 50-0578 and please credit any excess fees to such Deposit Account.

Respectfully submitted,



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